

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division**

CSX TRANSPORTATION, INC.,  
individually and on behalf of NORFOLK  
& PORTSMOUTH BELT LINE  
RAILROAD COMPANY,

Plaintiff,

v.

Civil Action No. 2:18-cv-530-MSD-RJK

NORFOLK SOUTHERN RAILWAY  
COMPANY, *et al.*,

Defendants.

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**CSX TRANSPORTATION, INC.'S  
MOTION TO FILE DOCUMENTS UNDER SEAL**

COMES NOW Plaintiff CSX Transportation, Inc. (“CSX”), by counsel, and respectfully submits this Motion to Seal portions of its Memorandum in Support of its Motion to Take the *De Bene Esse* Deposition of Chris Luebbers, together with Exhibits 1-12, 14, and 16 thereto.

CSX seeks to seal these materials because they contain and/or reference information that has been designated as “Confidential” or “Confidential–Attorneys Eyes Only” (“AEO”) by the parties under the Stipulated Protective Order entered in this matter. ECF No. 79 ¶ 16.

In support of this Motion, CSX submits contemporaneously a non-confidential Memorandum in Support of Motion to File Documents Under Seal. CSX has also filed herewith a Notice of Filing a Motion to Seal, as required by Local Civil Rule 5(C). CSX waives oral argument on this motion. A proposed order granting the requested relief is attached hereto.

For the foregoing reasons, CSX respectfully requests that the Court grant its Motion to Seal and enter the attached proposed order providing for the sealing of these materials.

Dated: December 9, 2022.

Respectfully submitted,

**CSX TRANSPORTATION, INC.**

*By Counsel*

/s/ Robert W. McFarland

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**CERTIFICATE OF SERVICE**

I certify that on this 9th day of December, 2022, a true and correct copy of the foregoing was served on all counsel of record via Notice of Electronic Filing by filing with the Court's CM/ECF system.

/s/ Robert W. McFarland

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